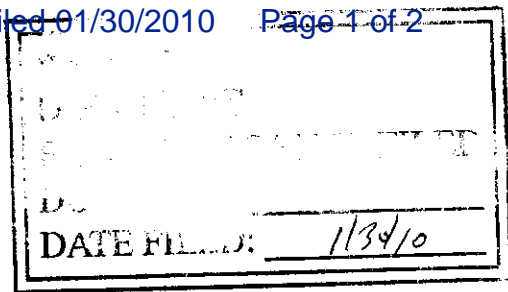


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
LOLA BODANSKY,

Plaintiff,

09 CIVIL 4651 (DLC)

-against-

JUDGMENT

FIFTH ON THE PARK CONDO, LLC, EYTAN
BENYANIN, and ROBERT EZRAPOUR,
Defendants.

-----X
STEVE BERGEN and LYNNE SCHALMAN,
Plaintiffs,

09 CIVIL 6433 (DLC)

-against-

FIFTH ON THE PARK CONDO, LLC, EYTAN
BENYANIN, and ROBERT EZRAPOUR,
Defendants.

-----X

Whereas the above-captioned action having come before this Court, and the matter having come before the Honorable Denise L.Cote, United States District Judge, and the Court, on January 29, 2010, having rendered its Opinion and Order concluding that Fifth is exempt from ILSA's registration and disclosure requirements pursuant to the Hundred Lot Exemption, 15 U.S.C. § 1702(b)(1), and the Improved Lot Exemption 15 U.S.C. § 1702(a)(2), dismissing plaintiffs' claims for rescission of their purchase agreements, return of their deposits, and interest and attorneys' fees, and directing the Clerk of the Court to enter judgment, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated January 29, 2010, the Court concludes that Fifth is exempt from ILSA's registration and disclosure requirements pursuant to the Hundred Lot Exemption, 15 U.S.C. § 1702(b)(1), and the Improved Lot Exemption 15 U.S.C. § 1702(a)(2), and plaintiffs' claims for rescission of their purchase agreements, return of their deposits, and interest and attorneys' fees are

dismissed; accordingly, judgment is entered in favor of defendants in both 09 Civ. 4651 and 09 Civ. 6433, and both of the above-captioned cases are closed.

Dated: New York, New York
January 30, 2010

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____